ARTICLE 98: AMENDMENT VALIDITY PENALTIES

9801. Initiating Amendments and Fees

The Village Council may from time to time, amend, modify, supplement or revise the district boundaries or the provisions and regulations herein established whenever the public necessity and convenience and the general welfare require such amendment. Said amendment may be initiated by resolution of the administrator, the Village Council, or by petition of one or more owners of property to be affected by the proposed amendment. Except for the Village Council, or the Administrator, the petitioner or petitioners requesting an amendment shall at the time of application pay a filing fee as set from time to time by the Village Council.

9802. Amendment Procedure

The procedure for making amendments to the Ordinance shall be in the manner provided by law, with all amendment proposals being referred to the Village Council for statutorily required notices, hearing, and action by Village Council, with or without an additional public hearing, with fifteen (15) days notice given in a newspaper. Within fifteen (15) days of adoption, a notice to that effect shall be published in a newspaper and a copy of the amendment filed with the Village Clerk.

9803. Conformance to Court Decree

Any amendment for the purpose of conforming a provision thereof to the decree of a court of competent jurisdiction shall be adopted by the Village Council and the amendments published without referring the same to any other Board or agency.

9804. Captions

The captions used in this Ordinance shall not be deemed to be a part of this Ordinance and shall not be construed to enlarge or restrict the rights and obligations otherwise contained herein.

9805. Violations and Penalties: Nuisance Per Se: Abatement

Uses of land, and dwellings, buildings or structures, including tents and mobile homes, used, erected, altered, razed or converted in violation of any provision of this Ordinance are hereby declared to be a nuisance per se. The court shall order such nuisance abated and the owner and/or agent in charge of such dwelling, building, structure, tent, mobile home or land shall be adjudged guilty of maintaining a nuisance per se. Anyone violating any of the provisions of the Ordinance shall upon conviction thereof be subject to a fine of not more than three hundred ($300.00) dollars and the costs of prosecution thereof, by imprisonment in the County Jail for a period not to exceed ninety (90) days, or both, in the discretion of the court. Each day that a violation is permitted to exist shall constitute a separate offense. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this Ordinance. The Village Council, Administrator, Appeals Board, the Village Attorney or any owner or owners of real estate within the district in which such building, structure or land is situated may institute injunction, mandamus, abatement or any other appropriate action or actions, proceeding or proceedings to prevent, enjoin, abate, or remove any said unlawful erection, construction, alteration, reconstruction, maintenance or use. The rights and remedies provided herein are cumulative and in addition to all other remedies provided by law.

9806. Repeal of Ordinance

The Onekama Village Building Code of 1963 and all amendments thereto are hereby repealed effective coincident with the effective date of this Ordinance.

9807. Pending Applications

All applications for permits, appeals and variance requests pending before the Administrator, Appeals Board on the effective date of this Ordinance shall be acted upon only in conformance with the provisions of this Ordinance.

9808. Validity and Severability Clause

If any court of competent jurisdiction shall declare any part of this Ordinance to be invalid, such ruling shall not effect any other provisions of this Ordinance not specifically included in said ruling. If any court of competent jurisdiction shall declare invalid the application of any provision of this Ordinance to a particular land, parcel, district, use, building or structure, such ruling shall not effect the application of said provision to any other land, parcel, district, use, building, or structure not specifically included in said ruling.

9809. Period of Effectiveness

This Ordinance shall remain in full force and effect henceforth unless repealed.

October 29, 2002

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